

tions asked by the Board of Directors for this institution be made, none of the estimates being extravagant, and each and every item being one of necessity.

We recommend that the electric light and the ice plants now in use at the Agricultural and Mechanical College be removed to this place and that the sum of \$5000 be appropriated to put same in good repair.

We recommend that the sum of \$1500 be appropriated for the purpose of erecting a building to be occupied by the Board of Directors when they visit this institution from time to time, and to be used for such other purposes as said board may see fit.

At present no appropriation is made for paying salary of the physician who administers to wants of the students, some three hundred in number, and we suggest that there be appropriated the sum of \$500 per annum for this purpose.

One of the most urgent needs of this institution is telephone connection, as the place is isolated and has no direct connection with the outside world, it being necessary to send to Hempstead, a distance of seven miles, in order to telephone or telegraph, and the expense of so doing is considerable.

We recommend an appropriation of \$500 for putting in a telephone line.

This institution has been weighed in the balance and found not wanting; it is doing a work not possible to be accomplished elsewhere, it is deserving of all that can be given it, and we recommend that it be liberally provided for, believing that it will solve the negro problem.

As yet we have not had an opportunity of visiting the Sam Houston Normal Institute and the State Orphan Home, but we hope to be able to do so in the near future.

Respectfully submitted,  
JOHNSON, Chairman.

PAULUS, Secretary.

#### FORTY-EIGHTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, March 27, 1901.

Senate met pursuant to adjournment.

President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—25.

Beaty.	Harris of Hunt.
Davidson of	James.
Galveston.	Lipscomb.
Goss.	Lloyd.
Grinnan.	Miller.
Hanger.	Patterson.
Harris of Bexar.	Paulus.

35—Senate.

Potter.	Turner.
Savage.	Turney.
Sebastian.	Wayland.
Stafford.	Wheeler.
Staples.	Wilson.
Swann.	Yett.

Absent—6.

Davidson of	McGee.
DeWitt.	Neal.
Dibrell.	Odell.
Johnson.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

#### NIGHT SESSIONS—RESOLUTION CALLING.

Senator Wheeler offered the following resolution:

Resolved, That the Senate hold night sessions on Wednesday and Thursday nights of this present week for the purpose of taking up local Senate and House bills, local Senate bills to have precedence in consideration over local House bills.

[Signed—Harris of Bexar, Wheeler, Paulus, Stafford, Potter, Staples.]

Resolution was read second time, and adopted.

#### COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, March 27, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 282, being a bill to be entitled "An Act to validate sales of public free school lands, and Deaf and Dumb and Orphan Asylum lands, heretofore sold to minors and married women,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report.

SEBASTIAN, Chairman.

Committee Room,

Austin, Texas, March 27, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 291, being a bill to be

entitled "An Act creating a more efficient road system for Brown county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YETT, Acting Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 288, being a bill to be entitled "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first Judicial District in the list of those which elect a district attorney,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 319, being a bill to be entitled "An Act to reorganize the Twenty-fourth Judicial District of Texas; to prescribe the time of holding the terms of the district court therein; and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 292, being a bill to be entitled "An Act to amend Article 2466 of the Revised Statutes of 1895, providing for fees and salary of county commissioners,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

LIPSCOMB, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 260, being a bill to be entitled "An Act to require every person, partnership, firm, company, corporation or association, doing an express business in this State, to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission, and to prescribe penalties for the violations of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: A minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 260, being a bill to be entitled "An Act to require every person, partnership, firm, company, corporation or association, doing an express business in this State, to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission, and to prescribe penalties for the violations of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with Section 5 stricken out.

BEATY,  
PATTERSON,  
STAFFORD.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

House bill No. 297, being a bill to be entitled "An Act to amend Chapter 52 of the General Laws of the State of Texas, passed at the Regular Session of the

Twenty-sixth Legislature, and approved March 30, 1899, and entitled 'An Act to authorize the lease of any railroad connecting at the State line, and not exceeding thirty miles in length, by any railroad so connecting with the same,' so that the same shall read as follows: 'An Act to authorize the lease of any railroad connecting at the State line, not exceeding one hundred and fifteen miles in length, by any railroad company owning or operating a road so connecting with same,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

House bill No. 297, being a bill to be entitled "An Act to amend Chapter 52 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 30, 1899, and entitled 'An Act to authorize the lease of any railroad connecting at the State line, and not exceeding thirty miles in length, by any railroad so connecting with the same,' so that the same shall read as follows: 'An Act to authorize the lease of any railroad connecting at the State line, not exceeding one hundred and fifteen miles in length, by any railroad company owning or operating a road so connecting with the same,'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

WILSON,  
DAVIDSON of Galveston.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 375, being a bill to be entitled "An Act to create a more efficient road system for Houston county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; pro-

viding for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of the county convict; and providing for the employment of surveyor or engineer; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of lands for public road purposes; providing for the working of delinquent poll tax payers residing in towns as well as in the country on the roads, and relieving them from the performane of said work by the payment of the sum of two dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Houston county; and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Houston county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

MILLER, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 283, being a bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines or parts thereof any freight, baggage or other property has been carried during transportation,' passed by the Twenty-sixth Legislature, and approved May 20, 1899,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 290, being a bill to be entitled "An Act to amend Article 1422, Chapter 20, Title XXX, of the Revised Statutes of the State of Texas, relating to cost of district and county clerks,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

#### EXCUSED.

On motion of Senator Stafford, Senator Neal was excused for non-attendance upon the Senate for this week on account of important business.

On motion of Senator Paulus, Senator Davidson of DeWitt was excused for non-attendance upon the Senate for this week on account of important business.

On motion of Senator Grinnan, Senator Harris of Hunt was excused for non-attendance upon the Senate for Monday and Tuesday of this week on account of important business.

On motion of Senator Wilson, Senator Johnson was excused for non-attendance upon the Senate for yesterday and today on account of important business.

On motion of Senator Potter, Senator Goss was excused for non-attendance upon the Senate last Friday on account of important business.

On motion of Senator Potter, Senator Yett was excused for non-attendance upon the Senate for last Friday on account of important business.

On motion of Senator Davidson of Galveston, Senator Lipscomb was excused for non-attendance upon the Senate last Monday on account of important business.

On motion of Senator Staples, Senator Turner was excused for non-attendance upon the Senate last Monday on account of important business.

On motion of Senator Staples, Senator Davidson of Galveston was excused for non-attendance upon the Senate last Monday on account of important business.

#### BILLS AND RESOLUTIONS.

By Senator Davidson of Galveston:

Senate bill No. 293, A bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and State occupation taxes collected upon property and persons in said county for a period of ten years, and providing for a proper transfer of said fund."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Beaty:

Senate bill No. 294, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Kansas City Railway Company and of the Gulf, Beaumont & Great Northern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of said two other companies."

Read first time, and referred to Committee on Internal Improvements.

The Chair (President Pro Tem. Miller) here declared the morning call concluded.

#### SENATE BILL NO. 250—ON SECOND READING.

On motion of Senator Paulus, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

Senate bill No. 250, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of acting as sureties and guarantors of contracts between private individuals, firms or corporations, and to act as sureties and guarantors of bonds for title, covenants, warrants and undertakings affecting the title of real estate within the State of Texas."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and

(Senator Savage in the chair.)

Senator Paulus offered the following amendment:

"Amend by adding Section 5 to the bill:

"Section 5. The crowded condition of the calendar and the near approach of the close of the session creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Amendment was read, and adopted, and the

Bill was ordered engrossed.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
Paulus.	Yett.

Absent.

Dibrell.	McGee.
Grinnan.	Odell.
James.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.
Paulus.	

Absent.

Dibrell.	McGee.
James.	Odell.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

(President Pro Tem. Miller in the chair.)

#### HOUSE BILL NO. 217—ON THIRD READING.

On motion of Senator Lipscomb, the pending business (Substitute Senate bill

No. 87) was suspended and the Senate took up, out of its order,

House bill No. 217, A bill to be entitled "An Act to extend relief to Fort Bend county, and to authorize said county to have certain bonds heretofore issued by it canceled and annulled; and providing service by publication to the holders thereof, where their names or residence is unknown."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wilson.
Miller.	Yett.

Present—Not voting.

Potter.	Wheeler.
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Absent.

James.	Odell.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

#### HOUSE BILL NO. 217—REASONS FOR VOTE.

"Because this bill does not give, and cannot give, to the people of Fort Bend county any rights or remedies that do not already exist; and because it attempts to enact provisions that the courts hold invalid, I decline to vote for the measure.

"POTTER."

Senator Lipscomb moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE JOINT RESOLUTION NO. 4—ON THIRD READING.

On motion of Senator Wheeler, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

Senate Joint Resolution No. 4, being a resolution to amend Section 30, of Article 16, of the Constitution of the State of Texas.

Joint resolution was read third time, and passed by the following vote:

## Yeas—25.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.
	Absent.
Goss.	Odell.
McGee.	
	Absent—Excused.
Davidson of	Johnson.
DeWitt.	Neal.

Senator Wheeler moved to reconsider the vote by which the joint resolution was passed, and to lay that motion on the table.

## HOUSE BILL NO. 64—ON SECOND READING.

On motion of Senator Hanger, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

House bill No. 64, A bill to be entitled "An Act to provide a more efficient public road system for the county of Hood."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Staples.
Grinnan.	Stafford.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Patterson.	
	Absent.
McGee.	Odell.
	Absent—Excused.
Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

## Yeas—24.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Yett.
Patterson.	

## Absent.

Goss.	Odell.
McGee.	Wilson.

## Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## SENATE BILL NO. 261—ON SECOND READING.

On motion of Senator Swann, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

Senate bill No. 261, A bill to be entitled "An Act to amend Article 944, of the Penal Code of the State of Texas, Title XVII, Chapter 17."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Swann, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Patterson.	
	Absent.
McGee.	Odell.

Davidson of Johnson.  
DeWitt. Neal.  
Absent—Excused.

Bill was read third time, and passed.  
Senator Swann moved to reconsider the vote by which the bill was passed, and lay that motion on the table.  
Motion to table prevailed.

SENATE BILLS NOS. 17 AND 35—  
SIGNED.

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 17, "An Act to establish and maintain a four year college course of classical and scientific studies at the Prairie View State Normal and Industrial College, at Prairie View, Waller county, Texas."

Senate bill No. 35, "An Act to amend Subdivision 23, Article 1194, Chapter 4, Title XXX, and Article 1484, Chapter 21, Title XXX, of the Revised Civil Statutes of the State of Texas, so as to fix the venue of suits against railroad corporations or any assignee, trustee or receiver operating their railroads in the county in which the cause of action against them or a part thereof arises."

HOUSE BILL NO. 122—ON SECOND  
READING.

On motion of Senator Sebastian, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

House bill No. 122, A bill to be entitled "An Act to reorganize the Thirty-second Judicial District of Texas, and to designate the counties which compose the same; to prescribe the time for holding the district courts therein; to validate all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said courts as heretofore fixed by law, and to make same returnable to the terms of said court as fixed in this act, and to repeal all laws and parts of laws in conflict herewith."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Sebastian, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of Dibrell.  
Galveston. Goss.

Grinnan. Savage.  
Hanger. Sebastian.  
Harris of Bexar. Stafford.  
Harris of Hunt. Staples.  
Lipscomb. Turner.  
Lloyd. Turney.  
Miller. Wayland.  
Patterson. Wheeler.  
Paulus. Wilson.  
Potter. Yett.

Absent.

Beaty. Odell.  
James. Swann.  
McGee.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty. Patterson.  
Davidson of Paulus.  
Galveston. Potter.  
Dibrell. Savage.  
Goss. Sebastian.  
Grinnan. Stafford.  
Hanger. Staples.  
Harris of Hunt. Turner.  
Harris of Bexar. Turney.  
James. Wayland.  
Lipscomb. Wheeler.  
Lloyd. Yett.  
Miller.

Absent.

McGee. Swann.  
Odell. Wilson.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

HOUSE BILL NO. 52—ON SECOND  
READING.

On motion of Senator Turney, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

House bill No. 52, A bill to be entitled "An Act to provide for the organization of a 'ranger force' for the protection of the frontier against marauding and thieving parties, and for the suppression of lawlessness and crime throughout the State; to prescribe the duties and powers of the members of such force, and to regulate their compensation."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and Senator Beaty offered the following amendment:

"Amend Section 11, in line 17, page 3, of the printed bill, by adding after the

word 'duties' the following: 'Of his service or office give a bond with two or more good and sufficient sureties, to be approved by the Comptroller of Public Accounts, in the sum of two thousand five hundred dollars, payable to the Governor of the State of Texas and his successors in office, conditioned that he will account for and pay over to the person authorized by law to receive the same all fines, forfeitures and penalties that he collected for the use of the State or county, and that he will well and truly execute and due return make of all processes and precepts to him lawfully and pay over all sums of money collected by him by virtue of any such process or precept to the persons to whom the same are due or their lawful attorney, and that he will faithfully perform all such duties as may be required of him by law; such bond shall be recorded in the office of the Comptroller of the State of Texas, and the original, after such record, to be deposited with the Treasurer of the State. Such bond shall not be void on first recovery, but may be sued on from time to time in the names of the persons injured until the whole amount thereof is recovered and also.'

Amendment was read, and lost, and Bill was passed to a third reading.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Davidson of Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Wayland.
Lipscomb.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.
Paulus.	

## Nays—1.

Beaty.

Present—Not voting.

Lloyd.

Absent.

McGee.

Odell.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

## Yeas—23.

Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
Paulus.	Yett.

## Nays—3.

Beaty.	Lloyd.
Grinnan.	

Absent.

McGee.	Odell.
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Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

## HOUSE BILL NO. 53—REASON FOR VOTE.

"While I am not opposed to the ranger service in Texas, believing it necessary for the preservation of life and property, I vote 'no' because I do not think any man should be clothed with all the powers of peace officers and not be required to give bond as other peace officers of this State.

"BEATY."

Senator Turney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## SENATE BILL NO. 242—CALLED UP FROM THE TABLE AND CONSIDERATION OF SUSPENDED.

Senator Goss called up from the table, where it had been laid subject to call, Senate bill No. 242, A bill to be entitled "An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith."

Senator Dibrell moved that consideration of Senate bill No. 242 be suspended and the Senate resumed consideration of pending business, Substitute Senate bill No. 87—appropriation bill.

Motion to suspend consideration of bill prevailed, and

## SUBSTITUTE SENATE BILL NO. 87—APPROPRIATION BILL—ON SECOND READING.

The Chair (President Pro Tem. Miller) laid before the Senate, pending on second reading, pending business, Substi-



tute Senate bill No. 87—appropriation bill.

Action recurring on the following amendment offered by Senator Goss (see Journal of yesterday):

"Amend by striking out on page 31 all after line 17 down to and including line 29, and inserting the following: 'To refund to purchasers and lessees of public domain, public school, University or asylum lands, or timber thereon, or to their vendees, the money paid by them into the State treasury in accordance with any of the laws of this State where it is shown that title cannot issue or possession pass because of conflict, sales out of leased lands, erroneous sales or leases, or erroneous sales of timber, and sales where corrected field notes show reduction in acreage, both as to sales of timber as well as lands, and other causes, or where patent has issued and been canceled by decree of court, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to correctness of claim and to whom due, to be expended within two years, 50,000—25,000.'"

Senator Savage offered the following substitute for the amendment:

"Amend by striking out all after line 17, page 31, down to and including line 29, and insert the following: 'To refund to uprchasers or lessees of public domain, public school, University or asylum lands the money paid by them into the State treasury in accordance with the laws of this State, where it is shown that title cannot issue or possession pass beause of conflict, sales out of lands leased, eronneous sales and other causes patents cannot issue, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to whether claims come under the provisions of this act and as to correctness of claims and to whom due, to be expended within two years, \$50,000—\$25,000.'"

Foregoing substitute for the amendment was read, and adopted by the following vote:

Yeas—18.

Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Wayland.
Lipscomb.	Wilson.
Lloyd.	Yett.
Miller.	

Nays—6.

Goss. Beaty.

Sebastian.  
Swann.

Turner.  
Wheeler.

Absent.

James.  
McGee.

Odell.  
Turney.

Absent—Excused.

Davidson of  
DeWitt.

Johnson.  
Neal.

Pending action on the foregoing substituted amendment,

Senator Beaty offered the following amendment thereto:

"Amend substitute by inserting after the word 'issue,' and before the words 'to be paid' the following: 'Erroneous sale of timber and sales where corrected field notes show reduction in acreage, as to sale of timber.'"

The foregoing amendment was read, and lost.

Pending action on the substituted amendment,

Senator Goss offered the following amendment thereto:

"Amend the substituted amendment by adding after the word 'domain' the words 'or to their vendees.'"

#### SUBSTITUTE SENATE BILL NO. 87— POINT OF ORDER AGAINST AMENDMENT.

The foregoing amendment to the substituted amendment was read, and

Senator Savage raised the point of order that the same was out of order for the reason it contained the same substance as the amendment offered by Senator Goss, which had been substituted by himself (Savage).

The Chair (President Pro Tem. Miller) overruled the point of order, and the amendment offered by Senator Goss to the substituted amendment was read second time, and lost.

The amendment as substituted (see before foregoing roll call) was then read, and adopted.

Senator Staples, for Senator Miller, offered the following amendment:

"Amend Substitute Senate bill No. 87, page 32, line 18, by striking out '\$1,350' in both lines and substituting '\$1,500.'"

Amendment was read, and adopted.

Senator Yett offered the following amendment:

"Amend page 31, line 17, by adding after the word 'filed' the words 'and bond case,' and by striking out '300' in first column and insert in lieu thereof '675.'"

Amendment was read, and adopted.

Senator Paulus offered the following amendment:

"Amend by adding between lines 12

and 13, page 59, the following: 'Receipts from sales of farm and dairy products, surplus stock and worn out property to be accounted for as other State funds.'"

Amendment was read, and adopted.

#### RECESS.

On motion of Senator Staples, the Senate here recessed until 3 o'clock p. m.

#### AFTER RECESS.

#### EXTRA JOURNALS—RESOLUTION ORDERING.

Senator Wheeler offered the following resolution:

Resolved, That the Senate order the printer to deliver 300 extra copies of the Senate Journal containing the names of persons recommended for appointment as notaries public for the use of the Senate, and that same be paid for out of contingent expense fund.

The resolution was read second time, and adopted.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 250, being a bill to be entitled "An Act to provide for the organization of corporations for the purpose of acting as sureties and guarantors of contracts between private individuals, firms or corporations, and to act as sureties and guarantors of bonds for title, covenants, warrants and undertakings affecting the title of real estate within the State of Texas."

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 261, being a bill to be entitled "An Act to amend Article 944 of the Penal Code of the State of Texas, Title XVII, Chapter 17,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 256, being a bill to be entitled "An Act to amend Article 1097, Subdivision 2, Chapter 3, of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.  
BEATY, Chairman.

#### SENATE BILL NO. 235—ON SECOND READING.

On motion of Senator Savage, the pending business (Substitute Senate bill No. 87) was suspended and the Senate took up, out of its order,

Senate bill No. 235, A bill to be entitled "An Act to amend Article 402, of Title XI, of the Penal Code of the State of Texas, relating to the selling of intoxicating liquor in prohibited districts."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, with the following committee amendment:

"Amend by striking out all after the words 'sixty days' and adding in lieu thereof 'and when orders are solicited for intoxicating liquor in any territory where the sale of intoxicating liquor is prohibited by law, and said order afterwards filled and intoxicating liquor shipped or taken into said prohibited territory, then the sale shall be deemed to have been made at the place where the said order was solicited and accepted, and where orders are forwarded by a third persons for the benefit of another and said third person afterwards delivers or procures the delivery of intoxicating liquor on said order, said person shall be deemed to be the agent of the vendor, and common carriers who collect any part of the purchase price for said intoxicating liquor in the prohibited territory, said common carrier shall be deemed to be the agent of the vendor, and the sale shall be construed to have been made at the point of destination of said intoxicating liquors.'"

#### SUBSTITUTE SENATE BILL NO. 87—APPROPRIATION BILL—CONSIDERATION OF RESUMED.

Pending further consideration of Senate bill No. 235, the same, by unanimous consent, was laid on the table subject to call, and the Senate resumed consideration of Substitute Senate bill No. 87.

Senator Beaty offered the following amendment:

"Amend page 64 by adding the following between lines 10 and 11, viz.:

"For the payment of bonds, certificates and other evidences of indebtedness of the Republic of Texas which constituted, or might have constituted under proof and presentation, legal and valid claims against the United States government by virtue of an act of Congress approved February 28, 1855, entitled 'An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September 9, 1850,' and also an act of the Legislature of the State of Texas, approved February 1, 1856, entitled 'An Act giving the assent of the State of Texas to 'An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September 9, 1850,' which was passed at the second session of the Thirty-third Congress of the United States, and approved February 28, 1855," the sum of \$2,500. Provided, that the bonds, certificates or other evidences of indebtedness subject to payment under this act, as well as the amount to be paid and interest on the same, shall be such as is provided for in said act; and provided further, that the promissory notes referred to in the said Act of the Legislature of Texas, approved February 1, 1856, as being under an act of Congress of the Republic of Texas of the date June 7, 1837, but being really issued under the Act of Congress of said Republic, approved June 9, 1837, are understood to be within provisions of this act; provided, that no claims shall be paid that have been heretofore rejected by the government of the United States, and the claimant shall show by his affidavit that no such rejection has been made so far as he knows or can ascertain; provided, that the holder of such bond, certificate or other evidence of indebtedness desiring to collect the same, shall present the same to the Comptroller of this State, together with his application for the payment thereof, supported by his own affidavit of its genuineness and that he is the legal and bona fide owner thereof, and further supported by the affidavit of two credible persons, resident citizens of the same county as the applicant, that they know the applicant and that he is the person he represents himself to be and that they verily believe such bond, certificate or evidence of indebtedness to be genuine, and that they further believe that the applicant is the legal and bona fide holder and owner of the same; provided, that the county judge of the county where said

applicant resides, if satisfied that the claim is genuine and that the applicant is the legal and bona fide owner thereof, shall make endorsement on such application, so stating; and provided, that upon the presentation of such bond, certificate or other evidence of indebtedness to the Comptroller, supported and verified as above required, and the surrender of the same to him, it shall be the duty of the Comptroller, if satisfied of the genuineness of the same, to draw his warrant in favor of the owner upon the Treasurer of the State, for the amount due upon such bond, certificate or other evidence of indebtedness, as said amount is defined and determined and provided for by said Act of Congress, approved February 28, 1855, and said Act of the Legislature of this State, approved February 1, 1856.

"No interest shall be paid on any bond, note, certificate or other evidence of indebtedness for any period subsequent to February 1, 1856, \$2,500."

Amendment was read, and adopted.

Senator Harris of Bexar offered the following amendment:

"Amend by adding after line 20, and before line 21, on page 47, the following: 'For the building of new toilet rooms and back galleries and other additions and alterations to and upon the main wards of the Southwestern Insane Asylum; provided, the condition of the treasury will so permit, the same to be determined by the Governor, \$30,000.'"

Amendment was read, and adopted.

Senator Harris of Hunt offered the following amendment:

"In line 8, page 34, strike out '2,400' in each column and insert in lieu thereof '2,600.'"

Amendment was read, and adopted.

Senator Savage offered the following amendment:

"Strike out in line 29, page 38, '\$93,-341.76' and insert '\$60,000.00.'"

Amendment was read, and adopted.

On motion of Senator Harris of Bexar, the vote by which the Senate adopted the foregoing amendment (University appropriation) was reconsidered, and

Action again recurring on the amendment,

Senator Patterson moved the previous question on the same.

The motion for the previous question being duly seconded, the Chair (President Pro Tem. Miller) put the question—

Shall the main question be ordered?

The main question was ordered, and the amendment by Senator Savage was lost.

Senators Dibrell and Patterson offered the following amendment:

"Amend bill No. 87 by inserting between lines 10 and 11, page 64, the following: 'For the purpose of having executed in marble the model casts of Sam Houston and Stephen F. Austin donated to the State of Texas by Elizabet Ney; provided, the Governor is hereby authorized to contract with Elizabet Ney for such work, and is authorized to place such statutes in the capitol of the State, \$10,000.'"

Amendment was read, and adopted.

Senator Harris of Hunt offered the following amendment:

"In line 11, page 40, strike out '100' in each column and insert in lieu thereof '250.'"

Amendment was read, and adopted.

Senator Yett offered the following amendment:

"Amend page 55, line 23, by striking out '\$480' and insert in lieu thereof '\$360.' And in line 24, page 55, strike out '\$360' and insert in lieu thereof '\$480.'"

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend the bill in line 3, on page 56 (Confederate Home) by striking out the figures '\$500' and inserting in lieu thereof the figures '\$1,500.'"

Amendment was read, and adopted.

Senator Staples here moved the previous question on the engrossment of the bill, which motion being duly seconded, the Chair (President Pro Tem. Miller) put the question—

Shall the main question be ordered?

The main question was ordered, and the bill, as amended, was ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Paulus.
Davidson of	Fotter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Patterson.	

Absent.

McGee.

Odell.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

Bill was read third time, and passed.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 235—PENDING ON SECOND READING—CALLED UP FROM THE TABLE.

Senator Savage called up from the table, where it had been laid subject to call,

Senate bill No. 235, A bill to be entitled "An Act to amend Article 402, of Title XI, of the Penal Code of the State of Texas, relating to the selling of intoxicating liquor in prohibited districts."

Action being on the committee amendment (see above), the same was read, and adopted.

Senator Stafford moved that the vote by which the committee amendment was adopted be reconsidered, and

Senator Turner offered a substitute motion that the bill be recommitted to Judiciary Committee No. 2.

#### SENATE BILL NO. 16—SIGNED.

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 16, "An Act to amend Article 4445, of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire right of way for the purpose of shortening the line or reducing the grades, and to acquire land for reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes of the State of Texas shall apply only to real estate acquired for right of way; and to provide that real estate, or any interest therein, that may be acquired for any purpose other than right of way, need not adjoin or abut on the right of way."

#### COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room.

Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 287, being a bill to be entitled "An Act to give furnishers of feed a preference lien on the cattle fed, and to provide for the continuance of

such liens for one month after such cattle have been removed."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and the committee further recommend the bill be not printed.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, March 26, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 284, being a bill to be entitled "An Act to create a more efficient road system for Rusk county, and further defining the duties of county commissioners, and providing for the appointment of road superintendents, and defining their powers and duties. Providing for the working of county convicts and delinquent poll tax-payers on the public roads of said county; providing for the rewards and penalties for escaped convicts, and providing for the relieving of delinquent poll tax-payers from road duty by the payment of three dollars. Providing for the appointment, the duties and powers of road overseers. Prescribing penalties for road overseers and road hands when they fail to comply with the requirements of the law as herein defined. Providing for the summoning of teams and tools with hands, and for penalties upon failure to comply. Providing for the adoption of a system of road working by the commissioners court of said county. Providing for the relieving of road hands from road service upon the payment of four dollars. Providing for the making this law cumulative of the General Laws of the State, and in case of conflict this act to govern as to Rusk county, and to repeal all laws in conflict with this act, and providing an emergency."

And find the same correctly engrossed.

BEATY, Chairman.

# SENATE BILL NO. 235—CONSIDERATION OF RESUMED.

The Senate here resumed consideration of Senate bill No. 235, the question being on the substitute motion of Senator Turner to recommit the bill to Judiciary Committee No. 2.

Motion to recommit was lost by the following vote:

Yeas—4.

Dibrell.	Harris of Bexar.
Hanger.	Turner.

Nays—21.

Beaty.	Paulus.
Davidson of Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.

McGee.	Odell.
Swann.	

Absent—Excused.

Davidson of DeWitt.	Johnson.
	Neal.

Action recurring on the motion of Senator Stafford to reconsider the vote by which the committee amendments were adopted, the same was lost by the following vote:

Yeas—9.

Dibrell.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Miller.	Turney.
Stafford.	

Nays—14.

Beaty.	Patterson.
Davidson of Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

Present—Not voting.

Paulus.	Wayland.
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Absent.

James.	Odell.
McGee.	

Absent—Excused.

Davidson of DeWitt.	Johnson.
	Neal.

Senator Savage offered the following amendment:

"Amend by adding:

"Section 2. The fact that there is now no sufficient law prohibiting the sale of intoxicating liquors in prohibition districts, and the near approach of the end of the session create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Amendment was read, and adopted.

SENATE BILL NO. 235—SUBSTITUTE  
FOR BY SENATOR TURNER.

Action recurring on the passage of the bill to engrossment,

Senator Turner offered the following substitute for the bill as amended:

"Amend the printed bill by striking out all after the word 'shall,' in line 12, down to and inclusive of the word 'article,' in line 25, and insert in lieu thereof of the following: 'Sell, carry into, give away, or deliver, or cause to be sold, carried into, given away or delivered, or solicit the selling, carrying into, delivering or giving away, or shall drink or in any manner cause to be drank, any intoxicating liquor in any county, or in any justice precinct, city, town, school district, or any other subdivision of a county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and by imprisonment in the county jail for not less than twenty nor more than sixty days.'"

The substitute was read, and

Senator Savage moved to lay the same on the table.

Motion to table prevailed by the following vote:

## Yeas—17.

Beaty.	Miller.
Davidson of	Patterson.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

## Nays—9.

Dibrell.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Paulus.	Turney.
Stafford.	

## Absent.

McGee.	Odell.
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## Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

SENATE BILL NO. 194—MOTION TO  
TAKE UP LOST.

Senator Harris of Bexar moved that the pending order of business (Senate bill No. 235) be suspended and the Senate take up, out of its order,

Senate bill No. 194, A bill to be entitled "An Act to establish a State Board of Embalming; defining the duties thereof; to provide for the better protection of

health and life; to prevent the spread of contagious diseases; to regulate the practice of embalming, care and disposition of the dead; to provide penalty for the violation thereof, and declaring an emergency."

Motion to suspend pending business, Senate bill No. 235, was lost by the following vote:

## Yeas—11.

Dibrell.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Miller.	Turney.
Paulus.	Wayland.
Stafford.	

## Nays—14.

Beaty.	Patterson.
Goss.	Potter.
Grinnan.	Savage.
Harris of Hunt.	Sebastian.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

## Absent.

Davidson of	McGee.
Galveston.	Odell.

## Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

HOUSE BILL NO. 229—MOTION TO  
TAKE UP LOST.

Senator Stafford moved that the pending order of business (Senate bill No. 235) be suspended and the Senate take up, out of its order,

House bill No. 229, being a bill to be entitled "An Act to amend Chapter 35 of the General Laws of the Twenty-fifth Legislature, said chapter being entitled 'An Act to create a more efficient road system for Rains county, Texas; making provisions for the appointment by the commissioners court of said county of a road commissioner of said county, prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for the working of county convicts and delinquent poll tax payers upon the public roads of said county, and regulating the same; providing for officers' fees and rewards in convicting convicts and recapturing convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for the violation of this act; and to repeal all laws in conflict with this act,' and providing for county commissioners to act as road commissioners, by changing Section 18 to Section 19, and adding be-

tween Sections 17 and 19 Section 18, and by amending Section 11,"

Motion to suspend pending business, Senate bill No. 235, was lost by the following vote:

Yeas—10.

Dibrell.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Miller.	Turner.
Paulus.	Turney.

Nays—16.

Beaty.	Patterson.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Grinnan.	Wayland.
Harris of Hunt.	Wheeler.
James.	Wilson.
Lipscomb.	Yett.
Lloyd.	

Absent.

McGee. Odell.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

#### MOTION TO RECESS—LOST.

Senator Hanger moved that the Senate recess until 8 o'clock p. m.

Motion to recess was lost by the following vote:

Yeas—12.

Beaty.	Stafford.
Dibrell.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Miller.	Turney.
Paulus.	Wayland.

Nays—14.

Davidson of	Patterson.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Wheeler.
James.	Wilson.
Lipscomb.	Yett.
Lloyd.	

Absent.

McGee. Odell.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

#### SENATE BILL NO. 235—PREVIOUS QUESTION MOVED AND CALL OF SENATE ORDERED.

Senator James here moved the previous question on engrossment of Senate bill No. 235, which being duly seconded,

Senator Hanger moved a call of the Senate, which call being duly seconded,

the roll was called, the following Senators answering to their names, pending business, Senate bill No. 235 going to the table:

Present—26.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Patterson.	

Absent.

McGee. Neal.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Odell.

Senator James moved to excuse the absentees as shown by the foregoing roll call.

Motion to excuse absentees was lost by the following vote (requiring two-thirds of those present):

Yeas—16.

Beaty.	Patterson.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Grinnan.	Turney.
Harris of Hunt.	Wheeler.
James.	Wilson.
Lipscomb.	Yett.
Lloyd.	

Nays—10.

Dibrell.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Miller.	Turner.
Paulus.	Wayland.

Absent.

McGee. Odell.

Absent—Excused.

Davidson of Johnson.  
DeWitt. Neal.

#### MOTION TO RECESS—LOST.

Senator James here moved that the Senate recess until 8 o'clock p. m.

Motion to recess was lost.

#### HOUSE BILL NO. 135—SIGNED

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

House bill No. 135, "An Act to provide

for a mineral survey of the State of Texas, and to make an appropriation therefor."

#### COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 255, being a bill to be entitled "An Act to amend Article XXVII, of the Revised Civil Statutes of the State of Texas, and to add thereto Article 1039a, prescribing the proceedings of the Courts of Civil Appeals in making and filing conclusions of fact and law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report.

STAFFORD, Chairman.

#### SENATE BILL NO. 242—PENDING BUSINESS.

The Chair (President Pro Tem. Miller) here laid before the Senate pending business,

Senate bill No. 242, A bill to be entitled "An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith."

Question being on the following substitute offered by Senator Turney:

"Amend by striking out all after Section 3 and insert the following:

"Section 3. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this chapter shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon, the Commissioner, if the lands applied for are subject to lease, shall notify the applicant in writing who first files written applications therefor, that his proposition to lease is accepted, and thereupon he shall execute to the lessee, in the name and by the authority of the State of Texas, a lease of said land for such time as may be agreed upon, and when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance, he shall deliver said lease to the clerk of the county court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty

of the clerk to record in a well bound book, kept in his office, open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents, to be paid by the lessee. Upon payment of said fee, the clerk shall deliver the lease to the lessee, and no other record of leases hereafter made shall be required except said memorandum. When any of such leases are filed for record, the clerk shall make the memorandum or abstract above provided for.

"All lessees, or their assignees, of lands situated between the absolute lease line established by the Act of 1897, and the absolute lease line established by this act, shall not be disturbed in their possession thereof during the term of their lease.

"The following named counties shall be in what is hereafter known as the absolute lease district: El Paso, Presidio, Pecos, Yoakum, Gaines, Andrews, Loving, Ector, Ward, Upton, Irion, Schleicher, Kimble, Edwards, Bandera, Uvalde, Zavala, Webb, Starr, Cameron, Duval, Jeff Davis, Brewster, Reeves, Terry, Dawson, Martin, Winkler, Midland, Crane, West Tom Green (so known), Crockett, Sutton, Val Verde, Kerr, Kinney, Maverick, Dimmit, La Salle, Zapata, Hidalgo, Nueces, Glasscock, Lynn.

"Any section through which the absolute lease line passes shall be considered as being inside the lease district. Any lands situated in the foregoing named counties which may be leased, shall not be sold during the term of the lease, except to the original lessee from the State, or his assignee or assignees, and in no event more than four sections out of any one lease. The lands in any county other than those heretofore mentioned shall hereafter be leased subject to sale, but except where otherwise provided, no sale of lands now under lease shall be made until the termination of the same.

"On the expiration of any lease in the counties situated in what is known as the absolute lease district as established herein, the lands shall remain subject to sale for a period of thirty days, except where there are improvements on a section, or fraction of a section, of the value of two hundred dollars or more. During said period of thirty days the Commissioner of the General Land Office shall suspend action upon any application to ease made during said time. Where lands are not purchased within said period the former lessee or his assignee



shall have the preference right for thirty days thereafter to re-lease the lands for a term not longer than five years. Any land that has been previously classified and valued by the Commissioner of the General Land Office, and notice given to the county clerk, it shall not be necessary to give the clerk any further notice in order to put the land upon the market, but it shall be considered as already on the market.

"The Commissioner of the General Land Office is hereby prohibited from renewing any lease before its expiration as shown on the face of the original lease contract, and no lease contract shall be canceled except in cases where the land has been, or may be sold, as provided by law, or where the lessee fails to pay the annual rental due the State within sixty days from the date it becomes due.

"Sec. 4. Any person entitled under the law to purchase school and asylum lands, and who has heretofore leased, or may hereafter lease any such lands, or the assignee of such lessee, shall have the preference right for thirty days hereafter to purchase any or all sections of lands so leased by him, on which there were, prior to the passage of this act, improvements of a permanent nature, of the reasonable market value of five hundred dollars, on the same terms as other purchasers of lands of like character, except said improvements shall not be estimated in valuing the lands, and said purchaser shall not be required to reside upon and improve said land, and said sections so purchased by him need not be situated within a radius of five miles of each other, and in addition to each section on which he has five hundred dollars worth of improvements, he may buy another section on the same terms, and in addition to each section on which he has one thousand dollars worth of improvements, he may buy two sections on the same terms; provided, that not exceeding four sections shall be sold to the same purchaser, and the sections on which there are no improvements must be within five miles of the improved section.

"Sec. 5. Any person purchasing lands under this act, situate within the enclosure of another shall be required to fence said lands with such fence as will prevent the passage of his stock before he is permitted to turn loose any stock thereon. Any violation of the provisions of this act, which requires the lands to be fenced before turning stock loose thereon shall be an offense, and the offender, on conviction, shall be punished by a fine of one dollar for each head of stock he may so turn loose, and each thirty days violation of the provisions of

this section shall constitute a separate offense."

The foregoing substitute was offered for the following amendment by Senator Sebastian and substitute for the same by Senator Goss:

"Amend the committee amendment as follows: Strike out all after the words 'southwest corner of Cochran county,' on page 9, line 5, down to and including the 'southwest corner of Irion county,' in line 13, page 9, and insert in lieu thereof the following: 'Beginning at the northwest corner of Yoakum county, thence east to the northwest corner of Lynn county, thence south to the southwest corner of Lynn county, thence west to the northwest corner of Dawson county, thence south to the southwest corner of Martin county, thence east to the northeast corner of Glasscock county, thence south to the southwest corner of Irion county.'

"Substitute for Sebastian amendment: Strike out all of page 6 of printed bill, as amended by committee amendment, after line 9, down to and including the words 'lease district,' in line 25, and insert in lieu thereof the following: 'These counties shall constitute the absolute lease district, towit: El Paso, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Loving, Winkler, Ward, Crane, Ector, Andrews, Gaines, Yoakum, Terry, Lynn, Dawson, Martin, Midland, Upton, West Tom Green, Crockett, Schleicher, Sutton, Kimble, Kerr, Bandera, Edwards, Val Verde, Kinney, Uvalde, Maverick, Zavala, Dimmit, Frio, La Salle, McMullen, Webb, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron.

"Any tract of land lying partly inside and partly outside of the absolute lease district shall, for purposes of sale and lease, be considered as lying wholly without said district."

#### SENATE BILL NO. 242—SUBSTITUTES AND AMENDMENTS WITHDRAWN.

Pending action on the foregoing, Senator Sebastian withdrew his amendment, and

Senator Goss withdrew his substitute for the amendment, and

Senator Turney withdrew his substitute for the Sebastian amendment and the Goss substitute.

RECESS.

On motion of Senator Potter, the Senate recessed until 8 o'clock p. m.

## AFTER RECESS.

## SENATE BILL NO. 281—ON SECOND READING.

On motion of Senator Harris of Bexar, the pending order of business (Senate bill No. 235) was suspended and the Senate took up, out of its order,

Senate bill No. 281, A bill to be entitled "An Act authorizing the board of managers of the Southwestern Insane Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to contract for the sinking of an artesian well on the grounds belonging to said asylum."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

## HOUSE BILL NO. 23—ON SECOND READING.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 235) was suspended and the Senate took up, out of its order,

House bill No. 23, A bill to be entitled "An Act to restore to and confer upon the county court of Coke county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State; to conform the jurisdiction of the district court of said county to such change; and to repeal all laws in conflict with the provisions of this act in so far as they relate to Coke county."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent.

Dibrell.	Stafford.
Hanger.	Swann.
McGee.	Wayland.
Odell.	

## Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed.

## HOUSE BILL NO. 24—ON SECOND READING.

The Chair (President Pro Tem. Miller) laid before the Senate, on its second reading,

House bill No. 24, being a bill to be entitled "An Act to amend an act passed by the Twenty-sixth Legislature in the year A. D. 1899, entitled 'An Act to amend Chapter 134, Sections Nos. 1, 7 and 15, of the General Laws of the Twenty-fourth Legislature, of an act to create a more efficient road system for Hill, Coke, Hunt, Jackson, Bee and Victoria counties, Texas; and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such; providing for their compensation as road commissioners; providing for the appointment of deputy road commissioners, and defining the powers and duties of said commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees and rewards for the capture of escaped convicts; and providing for the manner of trimming of hedges along any public road; and providing for the summoning of teams for road work, and for an allowance of time of road service for same; and fixing a penalty for the violation of this act,' so as to exempt Coke county from the provisions of said act, and place it under the general provisions of the Constitution and statutes of the State, pertaining to public roads; and repeal all laws in conflict with this act in so far as they relate to Coke county."

Bill was read second time, and passed to a third reading.

Senator Turney moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The roll call developed no quorum voting, the following Senators answering to their names:

Present—20.

Davidson of	Lipscomb.
Galveston.	Lloyd.
Goss.	Miller.
Grinnan.	Patterson.
Harris of Bexar.	Paulus.
Harris of Hunt.	Potter.
James.	Savage.

Sebastian.	Wheeler.
Staples.	Wilson.
Turner.	Yett.
Turney.	

Absent—8.

Beaty.	Odell.
Dibrell.	Stafford.
Hanger.	Swann.
McGee.	Wayland.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

#### CALL OF SENATE TO SECURE AND MAINTAIN QUORUM.

Senator Turner moved a call of the Senate for the purpose of securing and maintaining a quorum, which call being duly seconded, the roll was called, the following Senators answering to their names:

Present—20.

Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Patterson.	

Absent—8.

Beaty.	Odell.
Dibrell.	Stafford.
Hanger.	Swann.
McGee.	Wayland.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Swann was announced, and a quorum was announced present, and

#### HOUSE BILL NO. 24—CONSTITUTIONAL RULE SUSPENDED.

Question recurring on the motion to suspend the constitutional rule on House bill No. 24, the same prevailed by the following vote:

Yeas—21.

Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
Dibrell.	Stafford.
Hanger.	Wayland.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed.

#### SENATE BILL NO. 281—CONSTITUTIONAL RULE SUSPENDED.

Senator Harris of Bexar moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 281 (for caption see above) be placed on its third reading and final passage.

Rule was suspended by the following vote:

Yeas—22.

Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.
Paulus.	

Absent.

Beaty.	McGee.
Dibrell.	Odell.
Hanger.	Stafford.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

(Senator Wayland being announced during roll call.)

Bill was read third time, and passed by the following vote:

Yeas—22.

Davidson of	Potter.
Galveston.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.
Paulus.	

Absent.

Beaty.	McGee.
Dibrell.	Odell.
Hanger.	Stafford.

Absent—Excused.

Davidson of            Johnson.  
DeWitt.      Neal.

Senator Harris of Bexar moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 142—ON SECOND READING.

The Chair (President Pro Tem. Miller) laid before the Senate, on its second reading,

House bill No. 142, A bill to be entitled "An Act to amend an act passed by the Twenty-sixth Legislature of the State of Texas, entitled 'An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding the district court in Trinity county,' so as to change the time of holding the district court in Leon, Walker and Madison counties, and to repeal all laws and parts of laws in conflict therewith."

Bill was read second time, and passed to a third reading.

#### HOUSE BILL NO. 229—ON SECOND READING.

The Chair (President Pro Tem. Miller) laid before the Senate, on its second reading,

House bill No. 229, A bill to be entitled "An Act to amend Chapter 35 of the General Laws of the Twenty-fifth Legislature, said chapter being entitled 'An Act to create a more efficient road system for Rains county, Texas; making provision for the appointment by the commissioners court of said county of a road commissioner for said county; prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for the working of county convicts and delinquent poll tax-payers upon the public roads of said county, and regulating the same; providing for officers' fees and rewards in convicting convicts and recapturing convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for violation of this act; and to repeal all laws in conflict with this act,' and providing for county commissioners to act as road commissioners, by changing Section 18 to Section 19, and adding between Sections 17 and 19, Section 18, and by amending Section 11."

Bill was read second time, and passed to a third reading.

#### HOUSE BILL NO. 240—ON SECOND READING.

The Chair (President Pro Tem. Mil-

ler) then laid before the Senate, on its second reading,

House bill No. 240, A bill to be entitled "An Act to create a more efficient road system for Fayette and Frio counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Fayette and Frio counties; and providing further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Fayette and Frio counties, Texas; and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio counties."

Bill was read second time, and

Senator Paulus offered the following amendment:

"Amend Section 31 by striking out all of first line and all of second line down to and including the word 'practicable,' and insert in lieu thereof the following:

"Section 31. At the regular or at any called term in November, 1901, and every two years thereafter at its November term,"

Amendment was read, and adopted.

Bill as amended was passed to a third reading.

Senator Dibrell was announced.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 240 put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of            Dibrell.  
Galveston.      Goss.

Grinnan.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Staples.
James.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
Miller.	Wayland.
Patterson.	Wheeler.
Paulus.	Wilson.
Potter.	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—23.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 244—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

House bill No. 244, A bill to be entitled "An Act to create a more efficient road system for Leon county, Texas; and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such; and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of

said county; and providing for officers' fees and rewards and penalties for said convicts, and rewards for the capture of escaped convicts; and to provide for the manner of training and maintaining hedges along the public roads; and to provide for the summoning of teams for road work, and for allowance of time for road service for the same; and fixing a penalty for the violation of this act; and to repeal all laws in conflict herewith."

Bill was read second time, and passed to a third reading.

On motion of Senator Turner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—23.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Wayland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

# HOUSE BILL NO. 319—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

House bill No. 319, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas; to prescribe the time of holding the terms of the district court therein, and to repeal all laws in conflict with this act."

Bill was read second time, and passed to a third reading.

# HOUSE BILL NO. 375—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

House bill No. 375, A bill to be entitled "An Act to create a more efficient road system for Houston county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing for the employment of surveyor or engineer; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of two dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Houston county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Houston county, Texas."

Bill was read second time, and passed to a third reading.

On motion of Senator Lloyd, the constitutional rule requiring bills to be read on three several days was suspended, and

the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of DeWitt.	Johnson.
	Neal.

Bill was read third time, and passed by the following vote:

Yeas—23.

Davidson of Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of DeWitt.	Johnson.
	Neal.

Senator Lloyd moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

# SENATE BILL NO. 209—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

Senate bill No. 209, A bill to be entitled "An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing

for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for elections for issuance of bonds for bridge purposes; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Matagorda county, Texas, and creating an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Davidson of Galveston, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of Galveston.	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—23.

Davidson of Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.

Beaty.	Odell.
Hanger.	Stafford.
McGee.	

Absent—Excused.

Davidson of Galveston.	Johnson.
DeWitt.	Neal.

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 198—RE-REFERRED.

On motion of Senator Patterson, Senate bill No. 198, A bill to be entitled "An Act to apportion the State of Texas into congressional districts; to fix the boundaries of said districts, and to repeal all laws or parts of laws in conflict with this act,"

Read first time, and referred to Committee on Judicial Districts on February 15, was withdrawn from that committee and re-referred to Committee on Military Affairs.

#### SENATE BILL NO. 243—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

Senate bill No. 243, A bill to be entitled "An Act to restore to and confer upon the county courts of Coke and Kimble counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as it relates to Coke and Kimble counties."

Bill read second time, and ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Patterson.	Wilson.
	Yett.

Absent.  
 Beaty. Odell.  
 Hanger. Stafford.  
 McGee.

Absent—Excused.  
 Davidson of Johnson.  
 DeWitt. Neal.

Bill read third time, and passed by the following vote:

Yeas—23.

Davidson of Paulus.  
 Galveston. Potter.  
 Dibrell. Savage.  
 Goss. Sebastian.  
 Grinnan. Stafford.  
 Harris of Bexar. Swann.  
 Harris of Hunt. Turner.  
 James. Turney.  
 Lipscomb. Wayland.  
 Lloyd. Wheeler.  
 Miller. Wilson.  
 Patterson. Yett.

Absent.  
 Beaty. Odell.  
 Hanger. Staples.  
 McGee.

Absent—Excused.  
 DeWitt. Johnson.  
 Davidson of Neal.

Senator Turney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 286—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

Senate bill No. 286, A bill to be entitled "An Act to create a more efficient road system for Kerr county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing that in case of the death, refusal or inability to act by any or all of said county commissioners, then the commissioners court of said county shall appoint some competent citizen to fill such vacancy, and providing for the appointment of road overseers and their duties, and for the working of county convicts on the public roads of said county, and providing for the payment of officers' fees and rewards and penalties for said convicts, and for the working of delinquent poll and insolvent tax-payers on the public roads of said county, and providing for the summoning of hands for road work, and providing for the appointment of one superintendent for each precinct for said county or one for each

commissioner's precinct in said county, and fixing penalties for the violation of this act."

Bill was read second time, and ordered engrossed.

On motion of Senator Harris of Bexar, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Davidson of Paulus.  
 Galveston. Potter.  
 Dibrell. Savage.  
 Goss. Sebastian.  
 Grinnan. Staples.  
 Harris of Bexar. Swann.  
 Harris of Hunt. Turner.  
 James. Turney.  
 Lipscomb. Wayland.  
 Lloyd. Wheeler.  
 Miller. Wilson.  
 Patterson. Yett.

Absent.  
 Beaty. Odell.  
 Hanger. Stafford.  
 McGee.

Absent—Excused.  
 Davidson of Johnson.  
 DeWitt. Neal.

Bill was read third time, and passed by the following vote:

Yeas—23.

Davidson of Paulus.  
 Galveston. Potter.  
 Dibrell. Savage.  
 Goss. Sebastian.  
 Grinnan. Staples.  
 Harris of Bexar. Swann.  
 Harris of Hunt. Turner.  
 James. Turney.  
 Lipscomb. Wayland.  
 Lloyd. Wheeler.  
 Miller. Wilson.  
 Patterson. Yett.

Absent.  
 Beaty. Odell.  
 Hanger. Stafford.  
 McGee.

Absent—Excused.  
 Davidson of Johnson.  
 DeWitt. Neal.

Senator Harris of Bexar moved to reconsider the vote by which the bill was passed, and lay that motion on the table.  
 Motion to table prevailed.

#### SENATE BILL NO. 288—ON SECOND READING.

The Chair (President Pro Tem. Mil-



ler) then laid before the Senate, on its second reading,

Senate bill No. 288, A bill to be entitled "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first District in the list of those which elect a district attorney."

Bill was read second time, and ordered engrossed.

#### SENATE BILL NO. 289—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

Senate bill No. 289, A bill to be entitled "An Act creating a more efficient road system for Van Zandt county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said county, and upon the county farm; and to provide for the summoning of teams for road service for same; and fixing a penalty for the violation of this act; and to repeal all laws in conflict with this act as to Van Zandt county, and declaring an emergency."

Senators Hanger and Stafford were announced.

Bill was read second time, and ordered engrossed.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—25.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Stafford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 291—ON SECOND READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its second reading,

Senate bill No. 291, A bill to be entitled "An Act to create a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for reward to be offered for the recapture of an escaped county convict; and providing for the trimming of hedges by the owner of land, and providing a penalty for failure to trim hedges; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving them from the performance of said work by the payment of the sum of three dollars; and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Brown county, Texas."

Bill was read second time, and ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed by the following vote:

Yeas—25.

Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Patterson.	Yett.

Absent.

Beaty.	Odell.
McGee.	

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATOR PATTERSON EXCUSED.

On motion of Senator Potter, Senator Patterson was excused from further attendance upon the night session on account of sickness.

#### SENATE BILL NO. 156—ON THIRD READING.

The Chair (President Pro Tem. Miller) then laid before the Senate, on its third reading,

Senate bill No. 156, A bill to be entitled "An Act to quiet the titles to lands in persons holding under patents issued by the State of Texas in good faith which in fact belong to the public free school fund."

Bill was read third time, and

Senator Wheeler offered the following amendment:

"Amend by adding in line 7, page 1, of printed bill, between the words 'lands' and 'in,' the words 'in Fannin county.'"

Amendment was read and adopted, and the bill was passed.

Senator Wheeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 433—ON SECOND READING.

On motion of Senator Dibrell, the pending order of business (Senate bill No. 235) was suspended, and the Senate took up, out of its order,

House bill No. 433, A bill to be entitled "An Act to amend Subdivision 39, of Article 642, of Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations.'"

Bill was read second time, and

Senator Turney offered the following amendment:

"Amend the bill by adding thereto Subdivision 59, to hereafter read as follows:

"Subdivision 59. For the organization of exchanges with authority to deal in the stocks of mining companies.'"

Amendment was read, and adopted.

Senator Hanger offered the following amendment:

"Amend House bill No. 433 by adding Subdivision 60, for conducting the business of undertaker and embalmer."

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend the bill by adding thereto after Section 1, Section 2, to hereafter read as follows:

"Section 2. That Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130, of the General Laws of the Twenty-fifth Legislature, be amended by adding thereto Subdivision 58, to read as follows: Subdivision 58. For the organization of companies for growing and selling of fruits, vegetables and tobacco.'"

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend the caption by adding after

the word 'corporations,' in line 9, page 1, of the printed bill the following: 'And to add to said Article 642 three new subdivisions, to be known as Subdivisions 58, 59 and 60, providing for the organization of fruit, vegetable and tobacco companies, and for the organization of exchanges with authority to deal in the stocks of mining companies, and for conducting the business of undertaker and embalmer.'"

Amendment was read, and adopted.

Bill as amended was passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Paulus.	

Absent.

Beaty.	Odell.
McGee.	Patterson.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Bill was read third time, and passed. Senator Dibrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 245—ON SECOND READING.

On motion of Senator Yett, the pending order of business (Senate bill No. 235) was suspended and the Senate took up, out of its order,

Senate bill No. 245, A bill to be entitled "An Act to authorize the sale of the north half of Block No. 124, in the city of Austin, to the Grand Lodge of Texas."

Bill was read second time, with the following committee amendment:

"Amend page 1, Section 1, by striking out the word '\$10,000' and insert in lieu thereof the word '\$7,500,' and by inserting before the word 'north,' in the third line of said section the words 'east half of the,' and by striking out the words 'Colorado and,' in the fourth line of said

section and by inserting after the word 'Austin,' in said line, the words 'in Travis county, Texas,' and after the word 'avenue' in said line, the word '128 feet,' and by striking out the letter 's' at the end of the word 'streets' in the fifth line of said section, and by inserting after the said word 'streets' in said line the words '170 feet.' Amend Sections 2 and 3 by striking out the words '\$10,000' where they occur in each of said sections and insert in lieu thereof the word '\$7,500.'"

Pending action on the foregoing.

Senator Savage offered the following amendment to the committee amendment:

"Strike out in Section 3 the word 'five' wherever it occurs and insert the word 'two,' and strike out the words 'two years' wherever they occur in Section 3 and insert in lieu thereof the words 'one year.'"

Pending action on the foregoing committee amendment and amendment thereto.

Senator Hanger moved to postpone further consideration of the bill indefinitely, and

Senator Wayland moved to table the motion to postpone indefinitely.

Motion to table was lost by the following vote:

Yeas—7.

Davidson of	Sebastian.
Galveston.	Wayland.
Dibrell.	Wilson.
Grinnan.	Yett.

Nays—16.

Goss.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
Miller.	Turney.

Present—Not voting.

Wheeler.

Absent.

Beaty.	Odell.
McGee.	Patterson.

Absent—Excused.

Davidson of	Johnson.
DeWitt.	Neal.

Action recurring on the motion of Senator Hanger to postpone further consideration of the bill indefinitely, the same prevailed, and

Senator Hanger moved to reconsider the vote by which the motion was adopted, and lay that motion on the table.

Motion to table prevailed.

## SENATE BILL NO. 256—ON THIRD READING.

On motion of Senator James, the pending order of business (Senate bill No. 235) was suspended, and the Senate took up, out of its order,

Senate bill No. 256, A bill to be entitled "An Act to amend Article 1097, Subdivision 2, Chapter 3, of the Code of Criminal Procedure of the State of Texas."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time and passed, and

Senator James moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## ADJOURNMENT.

On motion of Senator Potter, the Senate, at 10 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

## FORTY-NINTH DAY.

Senate Chamber,  
Austin, Tex., Thursday, March 28, 1901.

Senate met pursuant to adjournment.

President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

## Present—25.

Beaty.	Miller.
Davidson of	Odell.
Galveston.	Patterson.
Dibrell.	Potter.
Goss.	Savage.
Grinnap.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.

## Absent—4.

McGee.	Staples.
Paulus.	Turner.

## Absent—Excused.

Davidson of	Neal.
DeWitt.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

## COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,  
Austin, Texas, March 27, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 16, being a bill to be entitled "An Act to amend an act entitled 'An Act to amend Article 4445 of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades,' being Chapter 68 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades, and to acquire land for the construction of reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes shall not apply to real estate acquired for purposes other than right of way, and that such other real estate need not adjoin or abut on the right of way,"

And find the same correctly enrolled, and have this day, at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,  
Austin, Texas, March 28, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 288, being a bill to be entitled "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first District in the list of those which elect a district attorney,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, March 28, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 281, being a bill to be entitled "An Act authorizing the Board of Managers of the Southwestern Insane